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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 28 October 2004 from the Permanent Mission of Georgia to the United Nations addressed to the Chairman of the Committee

The Permanent Representative of Georgia has the honour to address the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and to transmit herewith the report of the Government of Georgia in accordance with paragraph 4 of the resolution (see annex).

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Annex to the note verbale dated 28 October 2004 from the Permanent Mission of Georgia to the United Nations addressed to the Chairman of the Committee

Report of Georgia on measures taken in implementation of Security Council resolution 1540 (2004)

Legislative Basis

1. The issues of export of conventional weapons and technologies related to them are regulated by the following laws:

- The Law of Georgia on Weapons;
- The Law of Georgia on Export and Import Control of Weapons, Military Equipment and Dual-Use Materials;
- The Law of Georgia on Basis of Issuing License and Permit for Production Activities.

In addition to the above-mentioned laws, there are other legal acts and mechanisms, which form the core of the state regulation system of non-proliferation of weapons, in particular:

- Criminal Code of Georgia;
- Decree # 408 of the President of Georgia, dated September 22, 2002, on Certain Measures for Settlement of Issues on Export, Re-export and Transit of Dual-Use Materials Subject to Export Control;
- Decree # 424 of the President of Georgia, dated July 4, 1999, on Certain Measures for Export Control of Dual-Use Materials (Technologies, Equipment, Service).

2. The issues of weapons of mass destruction and related technologies are regulated by the following provisions of the Criminal Code of Georgia:

- Article 230 – Illicit purchase, keeping, possessing or disposal, use, processing, testing, transferring, transporting, export and import, sale or other illegal handling of or any other deal related to nuclear material or device shall be punishable by imprisonment for up to five years in length.
- Illicit export of technology, scientific-technical information or service for the production of weapons of mass destruction or military equipment, their transportation, whereon special export control is imposed shall be punishable by fine or imprisonment ranging from three to five years in length.
- In compliance with the Criminal Code of Georgia, manufacturing of nuclear weapons or other explosive nuclear device shall be punishable by imprisonment ranging from five to ten years in length (Article 232 of the Criminal Code of Georgia);
- In compliance with Article 406, the crime against the mankind consists in "production, purchase or sale of the chemical, biological or other weapons of mass destruction prohibited under the International Treaties that Georgia is party to" and shall carry legal consequences of imprisonment ranging from eight to fifteen years in length.

Besides the aforesaid, the analogous provisions are included into the Law of Georgia on Guarantees and Promotion of the Activities on Investments. According to Article 9 of the Law, it is prohibited to invest: a) development, production and proliferation of nuclear, bacteriological and chemical weapons; b) creation of testing areas for nuclear, bacteriological and chemical weapons; c) import of nuclear and toxic remains with a view to their burial or disposal;

In addition to the above-mentioned, Georgia is a party to the following international agreements and conventions:

- Convention on Non-Proliferation of Nuclear Weapons;
- Convention on Prohibition of Development, Production, Accumulation and Use of Chemical Weapons and Disposal of their Supplies;
- Convention on Processing and Production of Bacteriological, Biological and Toxic Weapons and Accumulation and Disposal of their Supplies;
- Agreement and Additional Protocol Between the Republic of Georgia and Nuclear Atomic Energy Agency on Use of Guarantees Related to the Agreement on Non-Proliferation of Nuclear Weapons;

Bilaterai Agreements:

- Agreement Between Georgia and the USA on Cooperation in the Sphere of Avoidance of Proliferation of Weapons of Mass Destruction and on Expansion of Relations in the Defence and Military Sphere;
- Agreement Between the State Department of State Border Defence of Georgia and the Department of Defence of the USA on Rendering Assistance in Establishment of System of Export Control For Avoidance of Proliferation of Weapons of Mass Destruction in Georgia;
- Agreement Between the Government of Georgia and the Government of the USA on Insuring the Programme of Prevention of Terrorism;
- Agreement Between the Department of Defence of the United States of America and the Ministry of Defence of Georgia On Cooperation in the Sphere of Spread of Technologies, Pathogens and Information Related to Development of Biological Weapons.

Implemented Work

It should be noted that after disintegration of the Soviet Union, Georgia carried out certain measures on non-proliferation of weapons of mass destruction. In particular, the reactor, located in Mtskheta, was closed down and in 1998. Atomic fuel from the reactor was removed from the country. Certain measures were carried out with a view to non-proliferation of chemical and biological weapons and to disposal the radioactive sources, as well as to introduce the system of export control of dual-use materials and technologies. In particular, by Decree #46 of the President of Georgia, dated December 2, 1996, there was created "the working group for elaboration of proposals for creating the legislative and technical basis of the system of export control of technologies, radioactive materials and goods of special designation". The Committee for Foreign Economic Relations, existing within that period of

time, was entrusted with its coordination. Later on, from December 1997, the coordination was re-assigned to its legal successor, the Ministry of Trade and Foreign Economic Relations.

The working group studied legal frameworks of number of states and, taking into consideration all the aforesaid, developed the Law on Export Control of Weapons, Military Equipment and Dual-Use Materials.

Decree # 424 of the President of Georgia on Certain Measures for Export Control of Dual-Use Materials (Technologies, Equipment, and Service) was issued on 4 July 1999. In follow-up to this Decree, the Ministry of Trade and Economic Relations of Georgia elaborated the list of dual-use materials subject to export control and, with due regard for the norms recognized in the international practice and before coming into force of the control lists, established the 15-month transitional period.

Decree # 650 of the President of Georgia, dated 7 December 1999, created the Permanent Interagency Committee for Military-Technical Issues under the National Security Council of Georgia to establish and strengthen state control in the sphere of purchase and sale of weapons, military equipment and ammunition – a rather significant step for practical implementation of relevant decisions.

One should underline the work and activity carried out by the State Department of the State Border Protection in the issues of settlement of the aforesaid problems, in particular: in July 2004, through the assistance of the US Power Engineering Department, the radiation detectors at the international check-points on the border with Turkey and Armenia (Vale and Guguti) were assembled. For the time being, the Georgian Border Monitoring System has radiation detectors at five check-points (Kazbegi, Guguti, Sadakhlo, Vale and Sarpi).

The international check-points also have radiation pagers and radiation counters. At two check-points, Tsiteli Khidi (Red Bridge) and Poti Port, there are assembled radiation detectors, which are the property of the Customs Department.

Representatives of the Institute of Physics of the Academy of Science of Georgia and the Department of Border Protection of Georgia joined the CIS Expert Working Group set up on the initiative of the USA for the issues of the technologies of non-proliferation and control over double-use production and the methods of their application.

Besides, the officials of the Department participated in different seminars, held by the US Power Engineering Department, on the issues of the technologies and the methods of non-proliferation and control over double-use production (e.g. Baku, September 2003, Tbilisi, April 2004 and others).